

& Co., 33 F.3d 716, 718 (6th Cir. 1994) (quoting *Banque de Depots v. Nat'l Bank of Detroit*, 491 4.2d 753, 757 (6th Cir. 1974)).

In determining whether a defendant will suffer plain legal prejudice, a court should consider such factors as the defendant's effort and expense of preparation for trial, excessive delay and lack of diligence on the part of the plaintiff in prosecuting the action, insufficient explanation for the need to take a dismissal, and whether a motion for summary judgment has been filed by the defendant.

Id. (citing *Kovalic v. DEC Intern., Inc.*, 855 F.2d 471, 474 (7th Cir. 1988)). A district court granting a voluntary dismissal without prejudice may impose whatever terms or conditions it considers "necessary to offset the prejudice the defendant may suffer from a dismissal without prejudice." *Bridgeport Music, Inc. v. Universal-MCA Music Pub., Inc.*, 583 F.3d 948, 954 (6th Cir. 2009) (citations omitted).

Plaintiffs' motion addresses the appropriate standard and analyzes each of the four *Grover* factors as they apply in this case. (Doc. 29 at 1–3.) In light of Defendant's failure to respond, including especially Defendant's failure to identify any plain legal prejudice it would suffer from the dismissal of this action without prejudice, the Court will **GRANT** Plaintiffs' motion (Doc. 29) and **DISMISS** this action **WITHOUT PREJUDICE**.

AN APPROPRIATE ORDER WILL ENTER.

/s/ _____
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE